

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

RAMON GARZA AND
STEPHANY LOPEZ

V.

NARESH BAJARH AND HUNTER
EXPRESS, LTD.

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CIVIL ACTION NO. _____

JURY DEMANDED

INDEX OF MATTERS BEING FILED

1. Notice of Removal
 - a. Citation Served on Defendant
 - b. Plaintiffs' Original Petition
 - c. Order Appointing International Process Server
 - d. Civil Case – Calendar Call
 - e. Order Granting Plaintiffs' Motion for Continuance of Calendar Call
 - f. Defendant, Naresh Bajarh's Original Answer filed in the State Court case
 - g. State Court's Docket Sheet (1 page)
2. List of Counsel
3. Civil Cover Sheet

REQUEST**FOR SERVICE ABROAD OF JUDICIAL OR EXTRA JUDICIAL DOCUMENTS****DEMANDE****AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ETRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE****Convention on the service abroad of judicial and extrajudicial documents in civil or
commercial matters, signed at The Hague, November 15, 1965***Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile
ou commerciale, signée à La Hage, le 15 Novembre 1965.***Identity and address of the applicant**
*Identité et adresse du requérant***L. Celeste Ingalls**
Crowe Foreign Services
1020 SW Taylor Street, Suite 240
Portland, Oregon 97205
USA
Email: Lci@foreignservices.com
Fax Number: 1-503-222-3950****Address of receiving authority**
*Adresse de l'autorité destinataire***Ministry of the Attorney General
Ontario Court of Justice
393 Main Street
Halleybury, ON P0J 1K0
Canada****T (705) 672-3395 ext. 214 F (705) 672-3360**

The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with article 5 of the
above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(identity and address)

*Le requérant soussigné a l'honneur de faire parvenir - en double exemplaire - à l'autorité destinataire les documents ci-dessous énumérés
en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savior:*

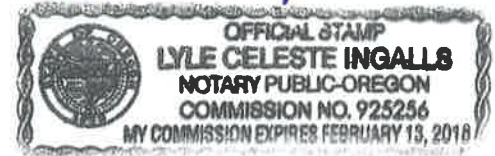
(identité et adresse)

**Naresh Bajarh
6 Autumn Ridge Dr, Brampton, ON**

- ☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
a) selon les formes légales (article 5, alinéa premier, lettre a).
- ☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
— b) selon la forme particulière suivante (article 5, alinéa premier, lettre b):
- ☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*.
e) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes* - with a certificate as
provided on the reverse side.

*Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant
au verso.*

List of documents*Enumération des pièces*Executed "Summary" (2 pages)CitationPlaintiffs' Original PetitionCivil Case- Calendar Call Settings**Done at Portland, Oregon, USA, the 15 day of Sept, 2017.**
*Fait à Portland, Oregon, USA, le...***Signature and/or stamp.***Signature et/ou cachet*

L. Celeste Ingalls

* **Delete if inappropriate**
Rayer les mentions inutiles

** **Authorized applicant pursuant to Rule 4(c)(2) of the
Federal Rules of Civil Procedure, Public Law 97-462 AND
Texas District Court Order**



CERTIFICATE

ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

- ☐ **1. that the document has been served***
que la demande a été exécutée*

– the (date) / le (date):	
– at (place, street, number): à (localité, rue, numéro) :	

– in one of the following methods authorised by Article 5: dans une des formes suivantes prévues à l'article 5 :	
<input type="checkbox"/>	a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* selon les formes légales (article 5, alinéa premier, lettre a)*
<input type="checkbox"/>	b) in accordance with the following particular method*: selon la forme particulière suivante* :
<input checked="" type="checkbox"/>	c) by delivery to the addressee, if he accepts it voluntarily* – par remise simple*

The documents referred to in the request have been delivered to:
Les documents mentionnés dans la demande ont été remis à :

Identity and description of person: Identité et qualité de la personne :	
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	

- ☐ **2. that the document has not been served, by reason of the following facts*:**
que la demande n'a pas été exécutée, en raison des faits suivants*:

--

- ☐ **In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.**
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint*.

Annexes / Annexes

Documents returned: Pièces renvoyées :	
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	

* if appropriate / s'il y a lieu

Done at / Fait à The / le	Signature and/or stamp Signature et / ou cachet
--	---

SUMMARY OF THE DOCUMENT TO BE SERVED

ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Hage, le 15 Novembre 1965.

(article 5, fourth paragraph)

(article 5, alinéa 4)

Name and address of the requesting authority:

Nom et adresse de l'autorité requérante:

L. Celeste Ingalls

Crowe Foreign Services

1020 SW Taylor Street, Suite 240

Portland, Oregon, USA 97205

Particulars of the parties*:

Identité des parties:

Ramon Garza and Stephany Lopez..... PLAINTIFFS

Naresh Bajarh, et al. DEFENDANTS

JUDICIAL DOCUMENT**

ACTE JUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte:

To give notice to defendant, Naresh Bajarh, of claim against him for civil damages and to summon him to answer the claim.

Nature and purpose of the proceedings, and, where appropriate, the amount in dispute:

Nature et objet de l'instance, le cas échéant, le montant du litige:

Civil claim for negligence and related actions. Plaintiffs' allegations include, but are not limited to, claims that the accident which occurred on or about July 27, 2015 was the result of the Defendants' negligence in operating the motor vehicle in question, causing Plaintiffs to suffer damages. Plaintiffs seek damages in an amount to be determined, including but not limited to, interest, costs of suit, and such other and further relief as the court deems just and proper.

Date and place for entering appearance:**

Date et lieu de la comparution:

N/A

Court which has given judgment:**

Jurisdiction qui a rendu la décision:

N/A

Date of judgment:**

Date de la décision:

N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte:

Defendant is required to file a WRITTEN ANSWER with the Court by 10:00AM on the Monday next following the expiration of twenty (20) days after having received the Citation and other documents herein.

EXTRAJUDICIAL DOCUMENT*

ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte:

N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte:

N/A

*** If appropriate, identity and address of the person interested in the transmission of the document.**

S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

**** Delete if inappropriate.**

Rayer les mentions inutiles.

**SUMMARY OF THE DOCUMENT TO BE SERVED
PAGE 2 OF 2**

*Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters,
signed at The Hague, the 15th of November 1965
(Article 5, fourth paragraph)*

Identite et adresse du destinataire / Identity and address of the addressee / --:

<p>Naresh Bajarh 6 Autumn Ridge Dr, Brampton, ON</p>

IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES «ELEMENTS ESSENTIELS DE L'ACTE» VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MEME DU DOCUMENT IL PEUT ETRE NECESSAIRE DE DEMANDER UN AVIS JURIDIQUE

SI VOS RESSOURCES SO NT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITE D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITES D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE PEUVENT ETRE ADRESSEES A:

**San Antonio Bar Association- Lawyer Referral Service
100 Dolorosa, Suite 500
San Antonio, Texas 78205
(210) 227-8822**

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE 'SUMMARY OF THE DOCUMENT TO BE SERVED' WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY IT MAY BE NECESSARY TO SEEK LEGAL ADVICE

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

**San Antonio Bar Association- Lawyer Referral Service
100 Dolorosa, Suite 500
San Antonio, Texas 78205
(210) 227-8822**

"RETURN"
2017CVA001501D3

CITATION

THE STATE OF TEXAS
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: NARESH BAJARH
6 AUTUMN RIDGE DR
BRAMPTON ON L6R OX2

THROUGH THE CENTRAL AUTHORITY OF THE
PROVINCE OF ONTARIO, THE MINISTER OF THE
ATTORNEY GENERAL IN THE ONTARIO COURT OF
JUSTICE IN ACCORDANCE WITH ARTICLE 3 OF
THE HAGUE CONVENTION

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 341st District Court of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2017CVA001501D3 , styled:

RAMON GARZA; STEPHANY LOPEZ, PLAINTIFFS
VS.

NARESH BAJARH; HUNTER EXPRESS LTD, DEFENDANTS

Said Plaintiff's Petition was filed on 07/28/2017 in said court by:

BRETT T. REYNOLDS, ATTORNEY FOR PLAINTIFF
1250 N.E. LOOP 410 STE420
SAN ANTONIO TX 78209

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, on this the 7th day of August, 2017.

C L E R K O F C O U R T

CALENDAR CALL SET FOR
10/10/2017 AT 1:30P.M.

ESTHER DEGOLLADO
WEBB COUNTY DISTRICT CLERK
P.O. BOX 667
LAREDO, TX 78042

BY:

Herlinda Torres



2017CVA001501D3

OFFICER'S RETURN

Came to hand on the _____ day of _____, 2017 at
_____ O'CLOCK _____ .M. Executed at
_____, within the COUNTY of _____
at _____ O'CLOCK _____ .M. on the _____ day of
_____, 2017, by delivering to the within named
NARESH BAJARH, each, in person, a true copy of this citation
together with the accompanying copy of the petition, having
first attached such copy of such petition to such copy of
citation and endorsed on such copy of citation the date of
delivery.

The distance actually traveled by me in serving such process was
_____ miles, and my fees are as follows:

Total Fee for serving this citation \$ _____.

To certify which, witness my hand officially.

SHERIFF, CONSTABLE

COUNTY, TEXAS

BY _____
DEPUTY

THE STATE OF TEXAS }
COUNTY OF WEBB }

Before me, the undersigned authority, on this day personally
appeared _____, who after being duly
sworn, upon oath said that a notice, of which the above is a
true copy, was by him/her delivered to

_____ on the
_____ day of _____.

SWORN TO AND SUBSCRIBED BEFORE ME on the _____ day of
_____, _____, to certify which witness my hand and
seal of office.

NOTARY PUBLIC
MY COMMISSION EXPIRES

Filed
7/27/2017 7:55 PM
Esther Degollado
District Clerk
Webb District
Linda Torres
2017CVA001501D3

CAUSE NO. _____

RAMON GARZA AND
STEPHANY LOPEZ

VS.

NARESH BAJARH AND HUNTER
EXPRESS, LTD

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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

WEBB COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiffs, RAMON GARZA AND STEPHANY LOPEZ, in the above styled and numbered cause and file this, their Original Petition complaining of NARESH BAJARH, HUNTER EXPRESS LTD and R & R AUTO DYNAMICS LLC and would respectfully show the Court the following:

**I.
DISCOVERY & PARTIES**

1.1 Pursuant to Texas Rule of Civil Procedure Rule 190.4, Plaintiffs hereby plead that this cause, and all discovery related thereto, shall be governed by a Level Three Discovery Control Plan.

1.2 Plaintiffs RAMON GARZA and STEPHANY LOPEZ are individuals residing in Laredo, Webb County, Texas.

1.3 Defendant HUNTER EXPRESS LTD is a Canadian Corporation who may be served at its address at 1940 Steeles Avenue E, Brampton, ON L6T 1A7 through the Central Authority of the Province of Ontario, The Minister of the Attorney General in the Ontario Court of Justice in

accordance with Article 3 of the Hague Convention. Plaintiff requests that the clerk prepare and issue citation for service for personal service at the aforementioned address by an international process server familiar with the service requirements under Article 3.

1.4 Defendant NARESH BAJARH is an individual residing in Ontario who may also be served at his address at 6 Autumn Ridge Drive, Brampton, ON L6R 0X2 through the Central Authority of the Province of Ontario, The Minister of the Attorney General in the Ontario Court of Justice in accordance with Article 3 of the Hague Convention. Plaintiff requests that the clerk prepare and issue citation for service for personal service at the aforementioned address by an international process server familiar with the service requirements under Article 3.

II. JURISDICTION AND VENUE

2.1 The subject matter and amount in controversy meet the minimum jurisdictional requirements for jurisdiction in the Webb County District Court. Pursuant to Texas Civil Practice and Remedies Codes §15.002, venue is proper in Webb County, Texas, because all or a substantial part of the events giving rise to Plaintiffs' claims occurred in this county.

2.2 Jurisdiction is further proper over HUNTER EXPRESS LTD in that HUNTER EXPRESS LTD was at all time relevant to the facts alleged in this lawsuit doing business in Texas by delivering freight to, from and through the State of Texas, specifically including Webb County.

2.3 Jurisdiction is proper over NARESH BAJARH in that he drove the vehicle in Webb County in the course of his employment for HUNTER EXPRESS LTD at the time of the accident made the basis of this suit and collided with the Plaintiffs.

2.4 Jurisdiction is proper over both NARESH BAJARH and HUNTER EXPRESS LTD in that each of them had sufficient contacts with the State of Texas in the form of doing business in Webb County such that exercise of personal jurisdiction over both of them comports with traditional notions of fair play and substantial justice.

III. NATURE OF CAUSE

3.1 Plaintiffs bring this cause of action to recover damages for personal injuries and economic damages sustained by Plaintiffs arising out of an automobile collision which occurred on or about July 27, 2015 in or around Laredo, Webb County, Texas when a vehicle driven by Defendant HUNTER EXPRESS LTD drove inattentively, failed to control his speed and struck Plaintiffs' vehicle.

IV. FACTS

4.1 On July 27, 2015 Plaintiffs Ramon Garza drove west on Uniroyal Drive toward the intersection with IH35. Plaintiff Stephany Lopez occupied the front passenger seat of the vehicle. Ramon Garza stopped their 2007 Jeep Cherokee behind a semi-tractor-trailer combination driven by Defendant Naresh Bajarh. Bajarh had stopped his vehicle combination at a traffic light at the intersection of Uniroyal Drive facing west. Bajarh stopped his vehicle combination on an active railroad crossing.

4.2 Mr. Bajarh inexplicably and illegally stopped in a position such that his tractor-trailer blocked an active railroad track. When Bajarh heard the sound of an approaching train, he compounded his bad decision to stop on a railroad track by making yet another bad decision. Instead of moving forward, turning right at the light and moving safely out of the path of the

train, he instead chose to shift into reverse and accelerate swiftly and suddenly in reverse with no warning to vehicles behind him, including the Plaintiffs. He accelerated in reverse at a high rate of speed and crashed into the front of the Jeep.

4.3. The impact caused Lopez' head to strike and break the windshield notwithstanding that she wore her seat belt. Bajarh continued to reverse his vehicle, striking and impacting the Jeep and forcing it backward until he succeeded in moving off of the track.

4.3. He knew or should have known that vehicles behind him in the lane prevented him from safely backing off of the track without violently striking the vehicle in the lane immediately behind him.

4.4 As he attempted to save Hunter Express' tractor-trailer and the cargo inside of it from damage by the train to which he exposed them by stopping on the track, he inevitably struck the Jeep occupied by Plaintiffs with a tractor-trailer combination whose weight exceeded the weight of Plaintiffs' vehicle many times over.

4.5 Mr. Garza and Ms. Lopez had no time or avenue of escape.

V.

NEGLIGENCE OF NARESH BAJARH

5.1 Plaintiffs would show that on the occasion in question, Defendant BAJARH was negligent in numerous and various acts and omissions, including but not limited to the following, said negligence being a proximate cause of the motor vehicle accident in question:

1. In failing to stop the vehicle no closer than 15 feet to the closest rail of the track in violation of Section 545.252(b) of the Texas Traffic Code.
2. In failing to observe the presence of the automated crossing arm with flashing lights and the painted white stop line on the roadway, in violation of Section 545.252(a) and (b).

3. In failing to keep a proper lookout;
4. In failing to properly operate the vehicle in order to avoid the collision in question;
5. In failing to take evasive action in order to avoid the collision;
6. In failing to maintain proper control of his vehicle;
7. In operating the vehicle against the rules and regulations of the Texas Department of Public Safety;
8. In failing to timely apply the brakes to avoid the collision;
9. In driving the vehicle in willful and wanton disregard for the safety of persons or property in violation of Texas Transportation Code § 545.401, VTCS;
10. In failing to maintain a safe distance between his vehicle and other vehicles in violation of Texas Transportation Code § 545.062, VTCS.

5.2 Each and all of the above and foregoing acts, both of omission and commission, constituted negligence and were each and all a proximate cause of the personal injuries suffered by Plaintiffs and made the basis of this suit for damages.

VI. NEGLIGENCE PER SE

5.1 Plaintiffs would further show that Defendant BAJARH was negligent per se as a matter of law in driving his vehicle upon a public roadway in violation of the following statutes:

1. Transportation Code § 545.062, VTCS in relevant part states: "An operator shall, if following another vehicle, maintain an assured clear distance between the two vehicles so that, considering the speed of the vehicles, traffic, and the conditions of the highway, the operator can safely stop without colliding with the preceding vehicle, object, or person on or near the highway".

2. Transportation Code § 545.401, VTCS states: "A person commits an offense if the person drives a vehicle in willful or wanton disregard for the safety of persons or property".

3. Transportation Codes Section. 545.242(b) of the Texas Traffic Code, the provisions of which are set forth in paragraph 5.1 above and incorporated herein by reference.

6.2 Plaintiffs are among those persons intended to be protected by Vernon's Texas Civil Statutes, Transportation Code § 545.062 and § 545.401 and 545.242. Defendant HUNTER BAJARH failed to comply with the provision of said statutes and the violations constitute negligence per se, as a matter of law. Plaintiffs reserve the right to amend this petition upon the discovery of further statutory violations

VII.

VICARIOUS LIABILITY AND NEGLIGENT ENTRUSTMENT

7.1 Wherever it is alleged herein that Defendant BAJARH committed acts and omission of negligence, Plaintiffs' assert that each and all of those acts and omissions were committed in the course and scope of BAJARH'S employment and agency with and for Defendant HUNTER EXPRESS LIMITED, which is vicariously liable for all acts and omissions of negligence by BAJARH.

7.2 Defendant HUNTER EXPRESS LIMITED is further liable for its direct acts of negligence in hiring, screening, employing NAJARH to drive on the public roadways of the state of Texas when it knew or should have known that NAJARH was unsafe, unfit and incompetent to drive the vehicle.

VIII.

DAMAGES

8.1 Plaintiffs would show that as a proximate result of the negligence of the Defendant, they have suffered serious and permanent injuries. Specifically, the Plaintiffs have sustained injuries

to their heads, backs, necks and bodies generally. As a result of those injuries the Plaintiffs have incurred damages. The elements to be considered separately and individually are as follows:

- The physical pain and suffering that the Plaintiffs experienced from the date of the incident in question up to the present time;
- The mental anguish that the Plaintiffs suffered from the date of the accident in question up to the present time;
- The amount of the reasonable medical expenses necessarily incurred in the treatment of Plaintiffs' injuries from the date of the incident up to the present time;
- The damages resulting from the physical impairment suffered by the Plaintiffs and the resulting inability to do those things that the Plaintiffs would ordinarily would have been able to do from the date of the incident up to the time of trial
- The mental anguish that Plaintiffs will experience from the present date into the future.
- The physical impairment the Plaintiffs will experience from the present date into the future.
- The reasonable and necessary cost of future medical care that both GARZA and LOPEZ will require to care for their injuries and the effects thereof into the future.

8.2 Plaintiffs hereby sue the Defendants for monetary relief within the jurisdictional limits of the Court in an amount of more than two hundred thousand and less than one million dollars and only pleads this amount as a maximum amount in accordance with the requirements of Rule 47. Plaintiffs fully intend that the amount of the damage to be awarded be determined by a jury of their peers.

IX. PLAINTIFFS' REQUEST FOR DISCLOSURE

9.1 Pursuant to Texas Rule of Civil Procedure 194, Defendants are requested to disclose within fifty (50) days of service of this Request the information or material described in Rule 194.2(a) through (l)

**X.
PRE-JUDGMENT AND POST-JUDGEMENT INTEREST**

10.1 Plaintiffs further allege that they are entitled to recover Pre-Judgment and Post-Judgment interest at the legal rate as provided by *Cavnar vs. Quality Control Parking, Inc.*, 696 S.W. 2d 549 (Tex 1985) and Section 304.001 et. seq. of the Texas Finance Code.

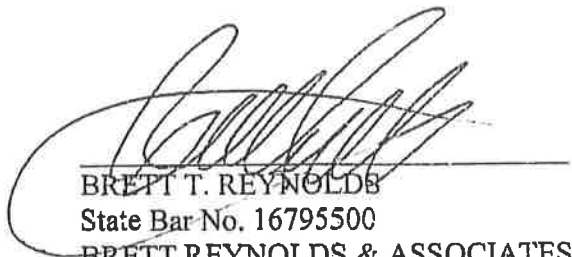
**XI.
JURY TRIAL**

11.1 Plaintiffs respectfully demand a Trial by Jury on the issues of this cause and respectfully requests that this cause be placed on the next available Jury Docket.

**XII.
PRAYER**

12.1 WHEREFORE, PREMISES CONSIDERED, Plaintiffs RAMON GARZA and STEPHANY LOPEZ respectfully prays that citation be issued and served upon NARESH BAJARH, HUNTER EXPRESS LTD and that upon a trial of this cause, the Court render judgment against the Defendants for all damages described herein, pre-judgment and post-judgment interest, costs of suit, and for any such other and further relief in law or in equity to which Plaintiffs may show itself justly and equitably entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett Reynolds", is written over a horizontal line. The signature is stylized with large, sweeping loops.

BRETT T. REYNOLDS

State Bar No. 16795500

BRETT REYNOLDS & ASSOCIATES, P.C.

1250 N.E. Loop 410, Suite 420

San Antonio, Texas 78209

(210) 805-9799 – Telephone

(210) 805-9654 – Facsimile

CAUSE NO. 2017CVA001501D3

RAMON GARZA AND
STEPHANY LOPEZ

VS.

NARESH BAJARH AND HUNTER
EXPRESS, LTD

IN THE DISTRICT COURT

341ST JUDICIAL DISTRICT

WEBB COUNTY, TEXAS

ORDER APPOINTING INTERNATIONAL PROCESS SERVER

Pursuant to Chapter 1, Article 3 of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters developed at the Tenth Session of the Hague Conference on Private International Law on 15 November, 1965 (the "Hague Convention"), and for good cause shown, the Court hereby appoints Celeste Ingalls and Crowe Foreign Services, specializing in international service of process, 1020 SW Taylor Street, Suite 240, Portland, Oregon 97205, as the authority and judicial officer competent under the Jurisdiction of this Court to issue and forward a request to the applicable Central Authority, for service of any and all documents to be served in this case in accordance with the Hague Service Convention.

IT IS SO ORDERED this 8 day of September, 2017.

BY THE COURT:


 HONORABLE JUDGE PRESIDING



HONORABLE BECKIE PALOMO

State District Court Judge

341st JUDICIAL DISTRICT OF TEXAS

WEBB COUNTY JUSTICE CENTER

1110 Victoria Street, Suite 302

Laredo, Texas 78040-4439

CIVIL CASE – CALENDAR CALL SETTINGS

RE: CAUSE NO: 2017CVA001501D3

STYLE: RAMON GARZA; STEPHANY LOPEZ

VS

NARESH BAJARH; HUNTER EXPRESS LTD

NOTICE that this case IS **SET FOR CALENDAR CALL** on 10/10/2017,
at 1:30 PM at the 341st District Courtroom, 3rd Floor, Webb County Justice Center.

Calendar Call hearings will be in open Court and on the record before **JUDGE BECKIE PALOMO**.
Your presence is **MANDATORY** unless Counsel for Plaintiff(s) file a Joint Pre-Trial Guideline Order
(PTGO) with all counsels signatures on the PTGO.

You may download the PTGO at our website:

http://www.webbcountytx.gov/DC341st/Links/civ_Jury%20PTGO.pdf

Counsel for Plaintiff(s): if you do not appear for calendar call, your case may be dismissed for lack of prosecution.

Counsel for Defendant(s): if you do not appear for calendar call, a pre-trial guideline order may be
entered with or without your approval and/or signature.

Call the court for jury selection dates and pre-trial hearing dates. Keep in mind jury selection must be set
within the timeframes recommended by the Texas Supreme Court.

If there are any questions regarding this matter please feel free to call the court at the number below.

A handwritten signature in cursive script, appearing to read "Magdalena Martinez".

Magdalena Martinez
Civil Court Coordinator
(956)523-4328

DC:

CAUSE NO. 2017CVA001501D3

RAMON GARZA AND
STEPHANY LOPEZ

VS.

NARESH BAJARH AND HUNTER
EXPRESS, LTD§
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IN THE DISTRICT COURT

341st JUDICIAL DISTRICT

WEBB COUNTY, TEXAS

OCT 17 AM 11:12
CLERK OF DISTRICT COURT
WEBB COUNTY, TEXAS**ORDER GRANTING PLAINTIFFS' MOTION FOR CONTINUANCE OF CALENDAR
CALL/DOCKET CONTROL CONFERENCE**

On the _____ day of October, 2017 come on to be heard the Plaintiffs' Motion for Continuance of the Calendar Call/Docket Control Conference set on Tuesday Oct. 10, 2017 at 1:30 pm. The Plaintiffs announce that service is incomplete and is in progress pursuant to the Hague Convention and that insufficient time has passed to perfect service nor have the Defendants had the opportunity to answer Pursuant to the time allowed following service of citation under the Texas Rules of Civil Procedure.

It is therefore ordered that the Calendar Call/Docket Control Conference set for Oct. 10, 2017 shall be and is hereby continued until such time as the Plaintiffs perfect service giving the Defendants proper time to answer

IT IS SO ORDERED this 16 day of October, 2017.

BY THE COURT:


 HONORABLE JUDGE PRESIDING

CAUSE NO. 2017CVA001501D3

RAMON GARZA AND	§	IN THE DISTRICT COURT
STEPHANY LOPEZ	§	
	§	
V.	§	341 ST JUDICIAL DISTRICT
	§	
NARESH BAJARH AND HUNTER	§	
EXPRESS, LTD.	§	WEBB COUNTY, TEXAS

DEFENDANT, NARESH BAJARH'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, Naresh Bajarh, and files this his Original Answer to Plaintiffs' Original Petition on file herein and for such answer would show the Court the following:

I.

GENERAL DENIAL

Defendant denies generally the allegations of Plaintiffs' Original Petition (and any later filed amendment or supplement), and demands that such be proven by a preponderance of the evidence, as required by law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant, Naresh Bajarh, prays that Plaintiffs take nothing by their cause of action, that Defendant recover his costs incurred herein, and for such other and further relief, both at law, and in equity, to which Defendant may show himself justly entitled.

Respectfully submitted,

**DUNN, WEATHERED,
COFFEY & KASPERITIS, P.C.**
611 S. Upper Broadway
Corpus Christi, Texas 78401
(361)883-1594
(888)707-7072 Fax
David@Dunn-Law-Mediate.com

BY: /s/ David J. Dunn
David J. Dunn
State Bar No. 06243500

ATTORNEYS FOR DEFENDANT NARESH BAJARH

CERTIFICATE OF SERVICE

I, David J. Dunn, do hereby certify that a true and correct copy of the foregoing instrument was forwarded on this the 26th day of October, 2017 to the following:

Via eFile
Mr. Brett T. Reynolds
BRETT REYNOLDS & ASSOCIATES, P.C.
1250 N.E. Loop 410, Suite 420
San Antonio, Texas 78209

/s/ David J. Dunn
DAVID J. DUNN

REGISTER OF ACTIONS**CASE NO. 2017CVA001501D3****RAMON GARZA,STEPHANY LOPEZ vs. NARESH BAJARH,HUNTER EXPRESS LTD**§
§
§
§
§Case Type: **Injury or Damage - Motor Vehicle**
Subtype: **Motor Vehicle Accident**
Date Filed: **07/28/2017**
Location: **--341st District Court****PARTY INFORMATION****Defendant BAJARH, NARESH****Attorneys**
DAVID J. DUNN
*Retained***Defendant HUNTER EXPRESS LTD****Plaintiff GARZA, RAMON****BRETT T. REYNOLDS**
Retained
2108059799 x2108059654(W)**Plaintiff LOPEZ, STEPHANY****BRETT T. REYNOLDS**
Retained
2108059799 x2108059654(W)**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

07/27/2017 **Civil Case Filed (OCA)**

07/27/2017 **Original Petition**
PLAINTIFF'S ORIGINAL PETITION (LT)

07/27/2017 **Jury Demand**
JURY DEMAND PAID BY ATTORNEY BRETT REYNOLD. (LT)

08/07/2017 **Calendar Call**
CALENDAR CALL FAXED TO ATTORNEY BRETT REYNOLDS (LT)

08/08/2017 **Citation-Issuance**
(4) CITATIONS ISSUED TO NARESH BAJARH AND HUNTER EXPRESS LTD. CITATIONS PLACED IN PRIVATE SERVER BOX. (LT)

08/08/2017 **Citation**
BAJARH, NARESH Unserved
HUNTER EXPRESS LTD Unserved

09/07/2017 **Motion-Miscellaneous**
MOTION TO APPOINT INTERNATIONAL PROCESS SERVER. (ATTACHED WITH PROPOSED ORDER)....REC'D AND SENT TO COURT COORDINATOR.

09/11/2017 **Order-Miscellaneous**
ORDER APPOINTING INTERNATIONAL PROCESS SERVER SIGNED 9/8/17. FAXED TO ATTY. BRETT REYNOLDS AND ATTY. MARIO CASTILLO FROM COURT COORDINATOR.

10/06/2017 **Motion For Continuance**
PLAINTIFFS' MOTION FOR CONTINUANCE OF CALENDAR CALL/DOCKET CONTROL CONFERENCE (ORDER ATTACHED AND SENT TO COURT COORDINATOR).

10/10/2017 **Calendar Call (1:30 PM)** (Judicial Officer Palomo, Beckie)

10/10/2017 **Notes-Hearing Notes**
CASE NOT CALLED. NO PROCEEDINGS HELD. CASE TO BE RESET WITH NOTICE.

10/17/2017 **Order Of Continuance**
ORDER GRANTING PLAINTIFFS' MOTION FOR CONTINUANCE OF CALENDAR CALL/DOCKET CONTROL CONFERENCE SIGNED ON 10/16/17 BY JUDGE BECKIE PALOMO, FAXED TO BRETT REYNOLDS AND MARIO CASTILLO FROM COURT COORDINATOR.

10/26/2017 **Atty Request - Copies**
REQUEST FOR COPIES FROM ATTY. DAVID DUNN, COPIES FAXED ON 10/26/17.

10/26/2017 **Answer-Defendant**
DEFENDANT, NARESH BAJARH'S ORIGINAL ANSWER.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

RAMON GARZA AND
STEPHANY LOPEZ

V.

NARESH BAJARH AND HUNTER
EXPRESS, LTD.

§
§
§
§
§
§
§

CIVIL ACTION NO. _____

JURY DEMANDED

LIST OF COUNSEL

COUNSEL FOR PLAINTIFFS:

Brett T. Reynolds
SBN 16795500; Fed. ID _____
BRETT REYNOLDS & ASSOCIATES, P.C.
1250 N.E. Loop 410, Suite 420
San Antonio, Texas 78209
210-805-9799 [FAX 210-805-9654]
btreynolds@btrlaw.com

COUNSEL FOR DEFENDANT(S):

Priscilla Y. Chapa
SBN 24027806; Fed. ID 1128608
DUNN, WEATHERED, COFFEY
& KASPERITIS, P.C.
611 South Upper Broadway
Corpus Christi, Texas 78401
361-883-1594 [FAX 888-707-7072]
priscilla@texasdefenselaw.cc

Respectfully submitted,

By: /s/ Priscilla Y. Chapa
Priscilla Y. Chapa, Attorney-in-Charge
State Bar No. 24027806; Fed. ID No. 1128608
611 S. Upper Broadway
Corpus Christi, Texas 78401
361-883-1594
888-707-7072 Telecopy
priscilla@texasdefenselaw.cc

ATTORNEY-IN-CHARGE FOR
DEFENDANT, NARESH BAJARH

OF COUNSEL:
DUNN, WEATHERED, COFFEY & KASPERITIS, P.C.
611 S. Upper Broadway
Corpus Christi, Texas 78401
361-883-1594
888-707-7072 Telecopy

CERTIFICATE OF SERVICE

I, Priscilla Y. Chapa, do hereby certify that a true and correct copy of the foregoing instrument was forwarded in accordance with the Federal Rules of Civil Procedure on this the 27th day of October, 2017, to the following:

Via Electronic Service

Mr. Brett T. Reynolds
BRETT REYNOLDS & ASSOCIATES, P.C.
1250 N.E. Loop 410, Suite 420
San Antonio, Texas 78209

ATTORNEYS FOR PLAINTIFFS

/s/ Priscilla Y. Chapa
Priscilla Y. Chapa

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ramon Garza and Stephany Lopez

(b) County of Residence of First Listed Plaintiff Webb County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brett T. Reynolds, Bretty Reynolds & Assoc., 1250 NE Loop 410, Ste 420, San Antonio, Texas 78209; 210-805-9799

DEFENDANTS

Naresh Bajarh and Hunter Express, Ltd.

County of Residence of First Listed Defendant Ontario, Canada
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Priscilla Y. Chapa, Dunn, Weathered, Coffey & Kasperitis, 611 S. Upper Broadway, Corpus Christi, Texas 78401; 361-883-1594

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 IIIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§ 1332, 1441, 1446

Brief description of cause:
Diversity jurisdiction

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
1,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/27/2017

SIGNATURE OF ATTORNEY OF RECORD

Priscilla Y. Chapa

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____